



7/1/04

## MESSAGES FROM THE HOUSE

### **SB 832 (Hammerstrom)**

SB 832 would prohibit the Department of Community Health (DCH) from requiring prior authorization for certain single source brand name, multiple source brand name, and other prescription drugs. The legislation would establish, in statute, what is already departmental practice to help ensure that low-income, vulnerable populations continue to have access to necessary prescription drugs. The bill provides for a financially sound preferred drug list that would not place an undue burden on physicians and their prescription options.

- The Senate concurred with the House changes to SB 832 [RC 492: 36 yes, 0 no]. Immediate Effect was given to the bill.

### **SB 998 (Cropsey)**

### **SB 999 (Sanborn)**

### **SB 1000 (Patterson)**

## DRUG COURTS

SB 998 would establish Drug Treatment Courts to supervise treatment programs for individuals who abuse or are dependant upon any controlled substance or alcohol. These courts have proven to be effective at helping non-violent individuals get help and stay out of the criminal justice system. This bill is necessary to create and set standards for drug treatment courts throughout the state of Michigan.

- The Senate concurred with the House changes to SB 998 [RC 494: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 999 would exclude a person who had successfully completed participation in a drug treatment court from a deferral and dismissal of controlled substance charges.

- The Senate concurred with the House changes to SB 999 [RC 495: 36 yes, 0 no]. Immediate Effect was given to the bill.

SB 1000 would exclude a person who had successfully completed participation in a drug treatment court from future designation as a youthful trainee.

- The Senate concurred with the House changes to SB 1000 [RC 496: 35 yes, 0 no]. Immediate Effect was given to the bill.

## **SB 1025 (Bishop)**

SB 1025 would make it illegal for minors to be sent a message that advertises or otherwise links to a message that advertises a product or service that a minor is prohibited by law from purchasing, viewing, possessing, or otherwise receiving.

- The Senate concurred with the House changes to SB 1025 [RC 497: 36 yes, 0 no]. Immediate Effect was given to the bill.

## **SB 1167 (Hammerstrom)**

SB 1167 would require convicted sex offenders to pay a one-time \$35 registration fee and an additional \$25 "change-of-data" fee when a change in the information of a registrant necessitates a revision of the sex offender registry database. The bill could generate up to \$770,000 in sex offender registration fee revenue during the first year in which the bill would take effect.

- The Senate concurred with the House changes to SB 1167 [RC 493: 36 yes, 0 no]. The vote to concur with the House changes to SB 1167 was reconsidered and the bill postponed for the day.

## **SB 1228 (THOMAS)**

SB 1228 is part of a package of bills designed to dismantle barriers to job creation and establishes the principle of certainty and governmental accountability. The bills would establish a maximum processing time for business permits and provides an incentive for government to act. This would help provide certainty for new, existing, and expanding businesses.

- THOMAS 1 (1 amend) was adopted [no RC]. Technical change.
- The Senate concurred with the House changes to SB 1228, as amended by the House [RC 498: 36 yes, 0 no]. Immediate Effect was given to the bill.

## **FINAL PASSAGE**

### **SBs 544-52 (Garcia)**

SB 544 would: 1) Require that a manufactured home park developer use a municipality's water and sewage service system, if accessible, and 2) Prohibit a municipality from charging a manufactured home park more than it charged other customers for water and sewer services.

- Garcia 1 (1 amend) was adopted [RC 511: 21 yes, 15 no]. BASHAM: This would shift the balance of the Manufacturing Home Commission to the favor of the manufacturing home industry.
- SB 544 passed [RC 512: 27 yes, 9 no]. BASHAM: The Garcia 1 amendment made this a "bad" bill, and I cannot support it.

SBs 545-52 would amend state law to refer to a "manufactured home" rather than a "mobile home", a "manufactured home park" rather than a "mobile home park", and the "manufactured housing commission" rather than the "mobile home commission".

- SB 545 passed [RC 513: 36 yes, 0 no].
- SB 546 passed [RC 514: 36 yes, 0 no].

- SB 547 passed [RC 515: 36 yes, 0 no].
- SB 548 passed [RC 516: 36 yes, 0 no].
- SB 549 passed [RC 517: 36 yes, 0 no].
- SB 550 passed [RC 517: 36 yes, 0 no].
- SB 552 passed [RC 520: 36 yes, 0 no].

SB 551:

- SCHAUER 1 (1 amend) was defeated [RC 518: 15 yes, 21 no]. Tie-bar to SB 799 – manufacturing housing resident's Bill of Rights.
- SB 551 passed [RC 519: 36 yes, 0 no].

### **SB 817 (Toy)**

SB 817 would create the "Organ and Tissue Donation Education Fund"; and require the Secretary of State to provide an opportunity to make a donation to the Fund in conjunction with the issuance of a driver license. The bill also would require the Secretary of State to provide an applicant with the opportunity to make a donation of at least \$1 to the Fund, upon the issuance of an operator's or chauffeur's license.

Support: Gift of Life, Henry Ford Transplant Institute, Kidney and Tissue Transplant Assn., Donate Life Coalition of MI, U of M Medical Center.

Oppose: Secretary of State.

- SB 817 passed [RC 501: 35 yes, 0 no].

### **SB 1115 (George)**

SB 1115 would: 1) Require charitable organizations and professional fund-raisers to register with the Attorney General (rather than be licensed by the Attorney General), and provide for the registration of vendors, 2) Establish registration fees and a late fee, 3) Require a charitable organization or professional fund-raiser to include financial information and information about its directors, officers, and employees with its registration, and 4) Allow a charitable organization to receive up to \$25,000 (rather than \$8,000) in a fiscal year before it is subject to the registration and reporting requirements.

- SB 1115 passed [RC 499: 36 yes, 0 no].

### **SB 1129 (BERNERO)**

SB 1129 would add HIV/AIDS to the list of 42 infectious diseases that clinical labs already are required to report to the Department. Under the bill, if any person or governmental entity obtained from a test subject a result indicating an HIV infection, or obtained from a test subject who already had been diagnosed as HIV-infected a test result ordered for the management and surveillance of the infection or the detection of the HIV infection or AIDS, the person or governmental entity would have to report within seven days to the appropriate local health department or, at the local health department's request, to the DCH, specified information, if available, including the name, date of birth, race, sex, address, and telephone number of the test subject.

Support: Michigan HIV/AIDS Council (MHAC), HIV/AIDS Alliance of MI (HAAM), the former Persons living with AIDS/HIV taskforce, DCH.

- SB 1129 passed [RC 500: 36 yes, 0 no].

**SB 1269 (Garcia)**  
**SB 1270 (Garcia)**

**MILITARY FAMILY RELIEF FUND**

Income tax check-off for taxpayers to contribute \$1 to a fund to benefit Michigan's veteran nursing homes and families of veterans called up for military service.

- SB 1269 passed [RC 509: 35 yes, 0 no].
- SB 1270 passed [RC 510: 35 yes, 0 no].

**HB 4338 (Ruth Johnson)**  
**HB 4947 (GLEASON)**  
**HB 5376 (Caswell)**  
**HB 5458 (Woodward)**

**INTERMEDIATE SCHOOL DISTRICT REFORM**

HB 4338 would provide a mechanism to recall intermediate school board members. If a majority of the boards, plus one, that elected or appointed the ISD board member adopts resolutions requesting removal of the member. The Senate substitute includes the requirement that beginning July 1, 2005, all officers of an intermediate school board be members of the board. The substitute includes recall provisions and removal from office by the Governor. The Senate substitute does not provide the House language about a three year period before a removed member can serve again. The Senate substitute does not include the provisions regarding contract approval by the CEO of the Detroit Public Schools.

- CHERRY 1 (1 amend) was adopted [no RC]. This would require approval from an ISD for out-of-state travel.
- HB 4338 passed with IE [RC 505: 35 yes, 0 no].

HB 4947 would require that school districts designate by resolution their representative to the body that will elect intermediate school district members. The designation must be made not earlier than 21 days before the election date. The resolution must be considered at at least two public meetings and be adopted by a majority of the board. The resolution shall identify the candidates the board supports for each position. The electoral body shall meet in an open meeting. The bill allows that the representative designated by the local school districts does not have to be a member of the local school board.

- HB 4947 passed with IE [RC 506: 35 yes, 0 no].

HB 5376 would: 1) Require an intermediate school district (ISD) board to obtain competitive bids before beginning construction on a new or existing school building, 2) Extend to an ISD construction bid the requirements that presently govern bids sought by a school board or a public school academy (PSA), 3) Require an ISD board, a school board, and a PSA board of directors to post an advertisement for a bid on either the Department of Management and Budget website or a website maintained by a school organization, in addition to posting an advertisement in a newspaper, 4) Require any advertisement for bids to state that the bid had to be accompanied by a statement disclosing any familial relationship existing between the bidder and any member of the school board, ISD board, or PSA board of directors, the school superintendent, the ISD superintendent, or the chief executive officer of the PSA. And, 5) Increase the cost of a construction project that triggers the competitive bid requirements from \$12,500 to \$17,932.

- HB 5376 passed with IE [RC 507: 35 yes, 0 no].

### **HB 5665 (Bradstreet)**

HB 5665 require the Department of Management and Budget (DMB), when purchasing wood or paper products, to give preference to products that derive from sustainably managed forests or procurement systems. The requirement would begin October 1, 2006. The bill states that paper product and forest product companies purchasing raw materials from or through third parties could reasonably rely on the representations of landowners, vendors, or brokers as to whether the raw materials derived from sustainably managed forests or procurement systems. "Sustainably managed forests or procurement systems" would mean forests or procurement systems that are certified by an independent third party using one or more of eight certification programs named in the bill.

- HB 5665 passed with IE [RC 508: 35 yes, 0 no].

### **HB 5823 (Wenke)**

### **HB 5824 (Wenke)**

HBs 5823-24 would exempt real and personal property designated as an innovations center in a certified technology park from general property taxes. Currently, there is an innovations center at Western Michigan University, which the city created primarily to keep research jobs in Kalamazoo when Pharmacia sold to Pfizer and many of the pharmaceutical industry jobs were lost. According to the sponsor's office, they believe four or five others are "in the works" but could not get more specific information from the Michigan Education Development Corporation (MEDC) (there are 11 technology parks across the state). The bills were amended in committee to provide a local unit of government "opt-in" provision.

Support: WMU.

Oppose: Michigan Municipal League, Michigan Association of Counties.

HB 5823:

- George 1 (4 amends) was adopted [no RC].
- HB 5823 passed with IE [RC 503: 35 yes, 0 no].

HB 5824:

- George 1 (8 amends) was adopted [no RC].
- HB 5823 passed with IE [RC 502: 35 yes, 0 no].

### **HB 5979 (Palsrok)**

HB 5979 would make violations of Michigan Children's Protection Registry Act also violations of Public Act 53. The new registry act would be created by Senate Bill 1025 as a means of preventing minors from being sent an electronic message that advertises or otherwise links to a message that advertises a product or service that a minor is prohibited by law from purchasing, viewing, possessing, or otherwise receiving. The two bills are tie-barred, meaning that neither would take effect unless both are enacted.

- HB 5979 passed with IE [RC 504: 35 yes, 0 no].

# THIRD READING

## **SB 146 (Garcia)**

SB 146 would require the Secretary of State to obtain the information and consent necessary to register males younger than 26 for the Federal Selective Service System.

- Committee 1 (S-2) was adopted.
- SB 146 was moved to 3<sup>rd</sup> Reading.

## **SB 1252 (SWITALKSI)**

SB 1252 would authorize the Supreme Court to increase the payment due to circuit court reporters or recorders for transcripts ordered and timely filed for appeals of certain civil cases. The bill would add that the Supreme Court could authorize the payment to circuit court reporters or recorders of \$3 per original page and 50 cents for each copy for transcripts ordered.

- SB 1252 was moved to 3<sup>rd</sup> Reading. No amendments.

## **SB 1328 (Cropsey)**

SB 1328 would allow a local corrections officer authorized by the county sheriff to possess and reasonably use a taser stun gun, while performing his or her official duties.

- Committee 1 (1 amend) was adopted.
- Cropsey 2 (1 amend) was adopted.
- SB 1328 was moved to 3<sup>rd</sup> Reading.

## **HB 4260 (Van Regenmorter)**

HB 4260 would prohibit any person, rather than a "person in a relationship of trust" (as is current law), from embezzling the money or property of a vulnerable adult. Currently, "vulnerable adult" means an individual, 18 years old or over, who, because of age, developmental disability, mental illness, or disability, whether or not determined by a court to be an incapacitated individual in need of protection, lacks the cognitive skills required to manage his or her property. Under the bill, that term would include an adult with any other physical or mental disability or illness, and would encompass those who lack the interest or ability, as well as those who lack the cognitive skills, required to manage some or all of their own property.

- Committee 1 (1 amend) was adopted. Effective date change.
- Cropsey 2 (2 amends) was adopted.
- HB 4260 was moved to 3<sup>rd</sup> Reading.

## **HB 4729 (GLEASON)**

## **HB 4730 (Stakoe)**

HB 4729-30 are part of a package of bills that would prohibit the possession or release of non-native or nuisance aquatic species, as well as regulate or prohibit the possession of genetically engineered or transgenic aquatic species.

Support: DNR, Michigan Environmental Council.

HB 4729 would subject persons in violation of Aquatic Nuisance Control laws to fines, warnings, and orders to stop prohibited conduct by the Director of the Department of Agriculture.

- Birkholz 1 (S-1) was adopted.
- Birkholz 1A was adopted.
- HB 4729 was moved to 3<sup>rd</sup> Reading.

HB 4730 establishes an aquatic nuisance control program in the Department of Agriculture and revises the current fee structure administered by the Department of Environmental Quality.

- Committee 1 (S-3) was adopted.
- Birkholz 2 (S-4) was adopted.
- Birkholz 2A was adopted. Technical change of the effective date.
- HB 4730 was moved to 3<sup>rd</sup> Reading.

### **HB 5698 (Rocca)**

HB 5698 would standardize the language on the certificate of completion of CCW training courses, and prohibit county licensing boards from placing additional requirements on such certificates.

Support: Michigan State Police, The Michigan Coalition of Responsible Gun Owners.

- Cropsey 1 (S-1) was adopted.
- Cropsey 1A (5 amends) was adopted.
- HB 5698 was moved to 3<sup>rd</sup> Reading.

### **HB 5846 (Stakoe)**

Under current law, if the defendant fails to appear in a court of record, the court may enter on record a default. After the default is entered, the court, upon motion of the attorney general, prosecuting attorney, or attorney for local municipalities, must give each surety (persons who paid the bail or bond money) immediate notice, not to exceed seven days, after the date of the failure to appear. HB 5846 would remove the requirement that requires motion of the attorney general, prosecuting attorney, or attorney for the local unit of government to give surety immediate notice of a defendant's failure to appear.

Support: Court Officers, Deputy Sheriffs, and Process Servers Association of Michigan, Prosecuting Attorneys Association of Michigan, Michigan Professional Bail Agents Association, Professional Bail Agents of the United States, Universal Insurance.

- HB 5846 was moved to 3<sup>rd</sup> Reading. No amendments.

### **HB 5876 (Sheen)**

### **HB 5878 (Gaffney)**

### **HB 5879 (Bisbee)**

### **HB 5882 (Newell)**

### **HB 5884 (Hune)**

### **HB 5887 (Acciavatti)**

### **HB 5888 (LaJoy)**

### **HB 5889 (Brandenburg)**

**HB 5890 (Amos)**  
**HB 5893 (Drolet)**  
**HB 5894 (Stakoe)**  
**HB 5895 (Huizenga)**  
**HB 5896 (Taub)**  
**HB 5897 (Casperson)**  
**HB 5899 (Farhat)**  
**HB 5900 (Robertson)**

## RED TAPE PACKAGE

The package of bills is an effort to dismantle barriers to job creation and establishes the principle of certainty and governmental accountability. The bills would establish a maximum processing time for business permits and provides an incentive for government to act. This would help provide certainty for new, existing, and expanding businesses.

HB 5876:

- HB 5876 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5878:

- Sanborn 1 (1 amend) was adopted.
- HB 5878 was moved to 3<sup>rd</sup> Reading.

HB 5879:

- HB 5879 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5882:

- HB 5882 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5884:

- Committee 1 (1 amend) was adopted.
- HB 5884 was moved to 3<sup>rd</sup> Reading.

HB 5887:

- HB 5887 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5888:

- Committee 1 (S-1) was adopted.
- HB 5888 was moved to 3<sup>rd</sup> Reading.

HB 5889:

- HB 5889 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5890:

- HB 5890 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5893:

- HB 5893 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5894:



- HB 5894 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5895:

- Sanborn 1 (12 amends) was adopted.
- HB 5895 was moved to 3<sup>rd</sup> Reading.

HB 5896:

- HB 5896 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5897:

- HB 5897 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5899:

- HB 5899 was moved to 3<sup>rd</sup> Reading. No amendments.

HB 5900:

- Committee 1 (1 amend) was adopted.
- HB 5900 was moved to 3<sup>rd</sup> Reading.

### **HB 5969 (Voorhees)**

HB 5969 would delete specific requirements related to signal lights on school buses, and instead require signal lights to conform to U.S. Department of Transportation Federal motor vehicle safety regulations and the Michigan Vehicle Code. The bill also would revise procedures for a bus driver stopping to receive or discharge pupils, in regard to activating lights and pulling off the road. Under the bill, if pupils were required to cross the roadway, the bus driver would have to stop on the roadway or private road, rather than as far to the right side as possible, as required currently. Additionally, the bill would require the bus to stop in the extreme right-hand lane for the purpose of boarding or discharging pupils.

- Committee 1 (S-2) was adopted.
- HB 5969 was moved to 3<sup>rd</sup> Reading.